

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

COMPASS-CHARLOTTE 1031, LLC,

Plaintiff,

**1:24-CV-55
(MAD/CFH)**

-against-

**PRIME CAPITAL VENTURES, LLC
BERONE CAPITAL FUND, LP
BERONE CAPITAL PARTNERS LLC
BERONE CAPITAL LLC
BERONE CAPITAL EQUITY FUND I, LP
405 MOTORSPORTS LLC f/k/a Berone Capital Equity
Partners LLC,**

Defendants.

PAUL A. LEVINE as RECEIVER,

Third-Party Plaintiff,

-against-

**KRIS D. ROGLIERI, TINA M. ROGLIERI, KIMBERLY
A. HUMPHREY, PRIME COMMERCIAL LENDING,
LLC, COMMERCIAL CAPITAL TRAINING GROUP,
THE FINANCE MARKETING GROUP, NATIONAL
ALLIANCE OF COMMERCIAL LOAN BROKERS LLC,
FUPME, LLC,**

Third-Party Defendants.

**ORDER TO SHOW CAUSE TO VACATE RECEIVERSHIP WITH RESPECT TO
BERONE DEFENDANTS**

Upon the reading and filing of the Declaration of Jeremiah Beguesse, dated the 7th day of March, 2024, the Declaration of Fabian Stone, dated the 6th day of March, 2024, the Local Rule 7.1(e) Declaration of Nicole L. Milone, dated the 8th day of March, 2024, and the memorandum of law in support of Defendants' Berone Capital Fund, LP, Berone Capital Partners LLC, Berone Capital LLC, Berone Capital Equity Fund I, LP and 405 Motorsports LLC f/k/a Berone Capital Equity Partners, LLC (collectively, the "Berone Defendants") motion to vacate the appointment

of the permanent receiver solely with respect to the Berone Defendants pursuant to Federal Rule of Civil Procedure 66, and upon the Berone Defendants having complied with Local Rule 7.1(e), and good cause having been shown for the relief, it is

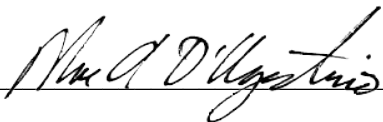
ORDERED that Plaintiff or its respective attorneys show cause before this Court, at a term for the hearing of motions before Honorable Mae A. D'Agostino at the Courthouse thereof, located at 445 Broadway, Courtroom 5, Albany, New York, 12207 on **Monday, the 18th day of March, 2024, at 1:00 PM**, or as soon thereafter as counsel can be heard, why, pursuant to Rule 66 of the Federal Rules of Civil Procedure, the Order Appointing Permanent Receiver, dated January 24, 2024 (Dkt. No. 56), should not be vacated solely with respect to the Berone Defendants; and

IT IS FURTHER ORDERED that any opposing papers in response to this Order to Show Cause shall be delivered no later than **Wednesday, March 13, 2024, at 5:00 PM**. Service shall be made by delivering the papers by e-mail to the Berone Defendants' counsel and by filing on PACER. The Berone Defendants shall have until **Friday, March 15, 2024, at 5:00 PM** to serve any reply papers upon the responding parties or their respective counsel by delivering the papers by e-mail and by filing on PACER; and

IT IS FURTHER ORDERED that service of a copy of this Order is deemed good and sufficient service as of its filing on the Court's docket as all parties' counsel will receive notification of such filing via PACER.

IT IS SO ORDERED.

DATED: March 8, 2024


UNITED STATES DISTRICT JUDGE